

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

V.

CIVIL ACTION NO. CO2010-2712CD

RUSSELL KYLE, ET AL

DEFENDANTS

**ORDER GRANTING PLAINTIFF
RIGHT OF IMMEDIATE TITLE AND POSSESSION**

This day this cause having come on to be heard on the motion *ore tenus*, of Plaintiff, Mississippi Transportation Commission, for an Order granting said Plaintiff the right of immediate title and possession and entry upon the land sought to be condemned and as described in Exhibit "A" attached hereto and incorporated herein, and it appearing that the report of the Court-appointed appraiser has been filed with the Clerk of this Court showing the sum of \$2,500.00, as total compensation and damages for the taking of the Defendants' land, proper notice of said appraisal report having been given to the Court and to the Defendants as required by law, the Court has reviewed the Court-appointed appraiser's appraisal and considered the same, finds said Motion is well-taken and that Plaintiff is entitled to immediate title and possession of and entry upon the land described in Exhibit "A" attached hereto.

The Court further considered the Motion *ore tenus* of the Plaintiff for the payment of the Appraiser's fee of One Thousand Dollars to Gene Norwood, Court-appointed appraiser, who was appointed by Order of this Court dated January 13, 2011, and filed on that date.

The Court finds that said appraiser has filed with this Court and the Clerk of this Court the requisite number of copies of the Appraisal Report herein, which has been, or is subject to the review

FILED

FEB 28 2011

DALE K. THOMPSON, CIRCUIT CLERK
DESOTO COUNTY, MISSISSIPPI
MINUTE BOOK 124 PAGE 339-342

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of this Court, and further, that said fee for such services is reasonable and is hereby approved for payment.

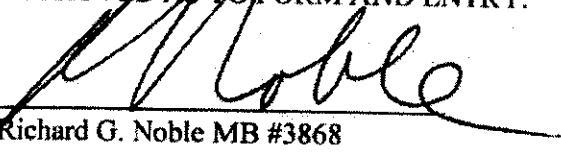
IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff, Mississippi Transportation Commission, be and it is hereby granted immediate title and possession and entry upon the lands sought to be condemned as described in Exhibit "A" attached hereto and in the complaint filed herein, provided only that said Plaintiff first deposit with the Clerk of this Court not less than eighty-five percent (85%) of the amount of compensation and damages as determined by said court-appointed appraisal, as provided by Section 11-27-85, as amended, Mississippi Code of 1972 Annotated.

IT IS FURTHER ORDERED AND ADJUDGED that the Clerk tax as costs herein and the Plaintiff pay unto Gene Norwood, for services as Court-appointed appraiser, the sum of \$1,000.00.

SO ORDERED AND ADJUDGED on this the 28th day of February, A.D., 2011.


JUDGE, SPECIAL COURT OF EMINENT
DOMAIN

APPROVED AS TO FORM AND ENTRY:


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STATE OF MISS., DESOTO COUNTY
CERTIFIED A TRUE COPY

MAR 01 2011

DALE K. THOMPSON, CIRCUIT CLERK
BY L. Burns D.C.



070-1-00-W; 070-1-00-T; 070-0-00-Q; 070-0-01-Q

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. 2712 C1

RUSSELL KYLE, ET AL

DEFENDANTS

EXHIBIT "A"

INDEXING INSTRUCTIONS: NE 1/4 of the NE 1/4 of Section 32, T-2-S, R-6-W, Desoto County, Mississippi.
(Part of Lot 2 of Pickens Place Subdivision)

The following descriptions are based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of .999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000. It is the intent of this description to convey that portion of the Defendants' property lying within the proposed right-of-way as defined by said project.

PARCEL 1
RIGHT OF WAY

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence run thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County and being the **Point of Beginning** of the herein described parcel;

- From said **Point of Beginning** continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property;
- thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road;
- thence run along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment) along a non-tangential curve to the left a distance of 105.83 feet, having a radius of 2784.79 feet, and a chord bearing North 00 degrees 20 minutes 47 seconds East for 105.83 feet, also having a delta angle of 2 degrees 10 minutes 39 seconds, to a 3/4 inch rebar found 80 feet left of the Ross Road centerline station 35+98.78;
- thence run North 00 degrees 44 minutes 32 seconds West a distance of 1.40 feet to a 1/2 inch rebar set on the north line of the Defendant's property;

- thence run along the north line of Defendant's property South 89 degrees 52 minutes 47 seconds East a distance of 41.09 feet to the **Point of Beginning**, containing 3935 square feet (0.09 acres), more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

And an easement of use, over, on and across a parcel of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement is hereby designated as PARCEL 2.

PARCEL 2 **TEMPORARY EASEMENT**

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County; thence continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property; thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road and the **Point of Beginning** of the herein described easement;

- From the **Point of Beginning** run thence along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment), along a non-tangential curve to the left a distance of 34.11 feet, having a radius of 2784.79 feet, and a chord bearing North 01 degrees 05 minutes 03 seconds East for 34.11 feet, also having a delta angle of 2 degrees 03 minutes 27 seconds, to a 1/2 inch rebar set 80 feet left of the Ross Road realignment centerline station 35+25;
- thence run North 89 degrees 16 minutes 00 seconds West a distance of 45.00 feet to a 1/2 inch rebar set 125 feet left of the centerline of the Ross Road realignment at station 35+25;
- Thence run South 01 degree 29 minutes 00 seconds West a distance of 64.00 feet to a 1/2 inch rebar set on the Defendant's south property line;
- Thence run along the south line of Defendant's property North 57 degrees 30 minutes 23 seconds East a distance of 54.55 feet to the **Point of Beginning**, containing 2216 square feet, more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.